

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

MILAN PUSKAR HEALTH RIGHT,  
LAWSON KOEPPPEL, ALINA LEMIRE,  
and CARRIE WARE,

*Plaintiffs,*

v.

BILL J. CROUCH, in his official capacity as  
Cabinet Secretary of the West Virginia  
Department of Health and Human Resources,  
JOLYNN MARRA, in her official capacity  
as Interim Inspector General and Director of  
the Office of Health Facility Licensure and  
Certification, and STEVE HARRISON, in  
his official capacity as Clerk of the House of  
Delegates and Keeper of the Rolls,

*Defendants.*

Civil Action No: 3:21-cv-00370

Hon. Robert C. Chambers

**MOTION FOR LEAVE TO FILE AMICI CURIAE BRIEF ON BEHALF OF THE  
NETWORK FOR PUBLIC HEALTH LAW, MOUNTAIN STATE JUSTICE, MARCH  
OF DIMES, CABIN CREEK HEALTH SYSTEMS, AND WEST VIRGINIA HEALTH  
AND PUBLIC HEALTH EXPERTS IN SUPPORT OF PLAINTIFFS' MOTION FOR  
INJUNCTIVE RELIEF**

Corey S. Davis  
(Visiting Attorney Application Pending)  
Harm Reduction Legal Project  
Network for Public Health Law  
7101 York Avenue South #270  
Edina, MN 55435  
(267) 250-1091  
cdavis@networkforphl.org

Jennifer S. Wagner  
West Virginia Bar No. 10639  
Mountain State Justice  
1029 University Ave. Suite 101  
Morgantown, WV 26505  
(304) 326-0188  
jennifer@msjlaw.org

**MOTION FOR LEAVE TO FILE AMICI CURIAE BRIEF ON BEHALF OF THE  
NETWORK FOR PUBLIC HEALTH LAW, MOUNTAIN STATE JUSTICE, MARCH  
OF DIMES, AND WEST VIRGINIA HEALTH AND PUBLIC HEALTH EXPERTS IN  
SUPPORT OF PLAINTIFFS' MOTION FOR INJUNCTIVE RELIEF**

The Network for Public Health Law (“Network”) respectfully moves this court for leave to file the attached **Proposed Brief Amici Curiae of the Network for Public Health Law, Mountain State Justice, March of Dimes, Cabin Creek Health Systems, and West Virginia Health and Public Health Experts in Support of Plaintiffs’ Motion for Injunctive Relief** due to the unique expertise of the proposed *amici* regarding the importance of evidence-based public health interventions, including Syringe Services Programs (SSPs), to the people of West Virginia.

Proposed *amici* **Dr. Judith Feinberg**, a Professor at West Virginia University School of Medicine, is a leading expert on interventions to reduce opioid-related harm; **Robert H. Hansen** served as Director of the West Virginia Office of Drug Control Policy from 2018 to 2020; **Daniel J. Lauffer** is currently the CEO of Thomas Health and a member of the HIV Task Force Committee of the Kanawha Charleston Health Department; **Craig Robinson** is Executive Director of Cabin Creek Health Systems, a Federally Qualified Health Center with six locations in Kanawha County; **Dr. Catherine Slemp** served as Commissioner of the West Virginia Bureau for Public Health from 2018 to 2020; and **Dr. Christine Teague** currently serves as Director of the Charleston Area Medical Center’s Ryan White Part C HIV Program.

Proposed organizational *amici* **Network for Public Health Law** provides non-partisan legal technical assistance and resources and has helped build the capacity of local, state, tribal, and national public health agencies and organizations around the country to effectively develop, implement, and enforce evidence-based, equitable laws and policies; **Mountain State Justice** has, for more than two decades, provided assistance to underserved West Virginians fighting to protect

their health and safety; the **March of Dimes** has, for more than 80 years, worked to address threats to moms and babies through research, education, programs, and advocacy; and **Cabin Creek Health Systems** provides comprehensive medical services in Kanawha County, West Virginia.

These expert organizational and individual *amici* write to provide the court with information that is highly relevant to this proceeding but not covered in plaintiffs' brief, including the great need for evidence-based interventions to address opioid-related harm in West Virginia, the evidence supporting the effectiveness of SSPs in reducing that harm, and the potential ramifications of Senate Bill 334 on those programs and the people of West Virginia.

On behalf of all *amici*, the Network for Public Health Law requests permission to file the attached brief in accordance with Federal Rule of Civil Procedure 29(a). The brief was authored by the Network on behalf of all *amici* and no party, party's counsel, or other person authored any parts of the brief or contributed money intended to fund preparing or submitting the brief.

Respectfully submitted,

/s/ Corey S. Davis

Corey S. Davis  
Harm Reduction Legal Project  
Network for Public Health Law  
7101 York Avenue South #270  
Edina, MN 55435  
(267) 250-1091  
cdavis@networkforphl.org

/s/ Jennifer S. Wagner

Jennifer S. Wagner  
West Virginia Bar No. 10639  
Mountain State Justice  
1029 University Ave. Suite 101  
Morgantown, WV 26505  
(304) 326-0188  
jennifer@msjlaw.org

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

MILAN PUSKAR HEALTH RIGHT,  
LAWSON KOEPPPEL, ALINA LEMIRE,  
and CARRIE WARE,

*Plaintiffs,*

v.

BILL J. CROUCH, in his official capacity as  
Cabinet Secretary of the West Virginia  
Department of Health and Human Resources,  
JOLYNN MARRA, in her official capacity  
as Interim Inspector General and Director of  
the Office of Health Facility Licensure and  
Certification, and STEVE HARRISON, in  
his official capacity as Clerk of the House of  
Delegates and Keeper of the Rolls,

*Defendants.*

Civil Action No: 3:21-cv-00370

Hon. Robert C. Chambers

**CERTIFICATE OF SERVICE**

I, **Corey S. Davis**, do hereby certify that on the 2<sup>nd</sup> of July, 2021, I sent via email a true and exact copy of the *Motion for Leave to File Brief Amici Curiae* and *Brief of Amici Curiae of the Network for Public Health Law, Mountain State Justice, March of Dimes, and West Virginia Health and Public Health Experts in Support of Plaintiffs' Motion for Injunctive Relief* in the above-captioned matter to the following:

Bill J. Crouch  
Cabinet Secretary  
West Virginia Department of Health and Human Resources  
Bill.j.crouch@wv.gov

Jolynn Marra  
Interim Inspector General and  
Director, Office of Health Facility Licensure and Certification  
Jolynn.marra@wv.gov

Steve Harrison  
Clerk of the House of Delegates and  
Keeper of Rolls  
Steve.harrison@wvhouse.gov

Patrick Morrissey  
West Virginia Attorney General  
Patrick.j.morrissey@wvago.gov

Doug Buffington, Esq.  
Chief Deputy Attorney General  
Doug.p.buffington@wvago.gov

/s/ Corey S. Davis  
Corey S. Davis  
Harm Reduction Legal Project  
Network for Public Health Law  
7101 York Avenue South #270  
Edina, MN 55435  
(267) 250-1091  
cdavis@networkforphl.org

/s/ Jennifer S. Wagner  
Jennifer S. Wagner  
West Virginia Bar No. 10639  
Mountain State Justice  
1029 University Ave. Suite 101  
Morgantown, WV 26505  
(304) 326-0188  
jennifer@msjlaw.org